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10/023,866	12/21/2001	Tomoyuki Ohno	35.C16051	4678
5514	7590	10/04/2007		
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER	
			PENG, FRED H	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/023,866	OHNO ET AL.
	Examiner Fred Peng	Art Unit 2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07/18/2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION*****Response to Arguments***

1. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's argues on page 10 that Ellis fails to disclose or suggest at least the claimed features of Claims 1, 12, and 23 that "the broadcast receiver holds a unique identification number thereof, and the information of the broadcast receiver, input from the external terminal, is the unique identification number held by the broadcast receiver, wherein the conditioned access data is generated in accordance with the identification information input from the external terminal to the broadcaster so that the broadcast receiver which holds the unique identification number can access information included in the conditioned access data (with multiplexing of the conditioned access data for the transport stream as claimed)".

The Examiner respectfully disagree with applicant's arguments. Ellis does teach "the broadcast receiver holds a unique identification number thereof, and the information of the broadcast receiver, input from the external terminal, is the unique identification number held by the broadcast receiver, wherein the conditioned access data is generated in accordance with the identification information input from the external terminal to the broadcaster so that the broadcast receiver which holds the unique identification number can access information included in the conditioned access data" (FIG.2b; Para 99; the remote program guide access device 24 inherently inputs a unique identification number for the receiver 22 to the broadcaster 16 so the receiver can receive the parental control settings, conditional access data, to watch the program).

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al (US 2005/0028208 A1).

Regarding Claims 1, 12 and 23 Ellis discloses a broadcast receiver (FIG.2b, -22) with corresponding method and storage medium storing a program (FIG.3, -31) comprising:

a receiving unit (FIG.3, -28) adapted to receive, from a broadcasting wave (FIG.1, -18), a broadcast signal including conditioned access data (FIG.3, -26, Video and EPG data, EPG and associated control functions like parental control data is conditioned access data) which is generated by a broadcaster in accordance with information of the broadcast receiver and an external terminal, inputted from the external terminal (Para 71 lines 1-11; Para 99; Para 110 lines 1-16; the EPG and related conditioned access data is generated in accordance with information of the broadcast receiver, FIG.2b, 22, and an external terminal 24, inputted from the external terminal when user indicates a desire to access program guide features by sending commands from the remote terminal to broadcaster), the broadcast signal being a transport stream (MPEG video consumed as it is received; Para 84 lines 8-9) generated by multiplexing (sending a plurality of information/data through a communication link) the conditioned access data (program guide conditioned access data, i.e., data used to manage watching premium programs like pay-per view or parental control access) with video data and audio data, the conditioned access data including at least identification information (disclosed as STB name/location/coordination information; Para 214 lines 12-17; Para 217 lines 1-4; Para 220 lines 4-8; Para 191; Para 87 lines 1-5; in which Ellis teaches it is desirable to identify the multiple television equipments the user has access to in order to control specific receivers, e.g., for controlling which receiver records a program, or has a parental lock enabled) for identifying the broadcast receiver and control

information (program guide information, such as request, commands, listings data, and/or coordination information, etc.) for controlling the broadcast receiver with video data and audio data;

a communication unit (FIG.3, -37) adapted to communicate with the external terminal in a communication system (FIG.3, -19, FIG.2c, -22, Para 76) different from a broadcasting wave system (FIG.3, -26, Ethernet is different from MPEG transport communication);

an extraction unit adapted to extract the control information (interactive program guide profile, screen, poll/status, and/or reminder information) from the conditioned access data, which is acquired in de-multiplexing the received broadcast signal (Para 80, 90, 26 - FIG.3; Ellis teaches a user request poll/command is sent to the identified user equipment 22 from the remote access device 24, and the command data that is inherently extracted/demultiplexed from the signal 20 by the demodulating/receiving circuitry of the terminal 22 in order to access the real-time data streams, (inter alia) causes, i.e., controls by function, the access device 24 to display program guide information generated at the terminal 22, according to user set filtering controls; Para 126 lines 4-9; Para 137; Para 204; Para 214 lines 12-17; Para 217 lines 1-4; Para 220; Para 125 lines 1-3; Para 130 lines 8-16; Para 136 lines 1-5; Para 160 Para 172 lines 2-6);

a generating unit adapted to generate information data for transmitting to the external terminal (the communication unit of 22 generates communication data for transmission to remote device 24), in accordance with the control information extracted by the extraction unit (the command data that is extracted from the signal 20 (inter alia) causes, i.e., controls by function, the access device 24 to display program guide information generated at the terminal 22, according to user set filtering controls; Para 126 lines 4-9; Para 137; Para 204; Para 214 lines 12-17; Para 217 lines 1-4; Para 220; Para 125 lines 1-3; Para 130 lines 8-16; Para 136 lines 1-5; Para 160, Para 172 lines 2-6); and

a control unit adapted to control (control circuitry 42 - FIG.4) to make the communication unit transmit the information data (the control circuitry controls the equipment 22 to transmit the

requested information data, e.g., EPG, profile data, status information, etc., to the remote device 24; Para 111 lines 6-11; Para 88 lines 3-7; Para 102 lines 11-12; Para 103 line 6-Para 104 line 2).

wherein the broadcast receiver holds a unique identification number thereof, and the information of the broadcast receiver, input from the external terminal, is the unique identification number held by the broadcast receiver, and

wherein the conditioned access data is generated in accordance with the identification information input from the external terminal to the broadcaster so that the broadcast receiver which holds the unique identification number can access information included in the conditioned access data (FIG.2b; Para 99; the remote program guide access device 24 inherently inputs a unique identification number for the receiver 22 to the broadcaster 16 so that the receiver can receive the parental control settings, conditional access data, to watch the program).

Regarding Claims 2 and 13, Ellis further discloses the information data includes the display data for being displayed on a display unit of the external terminal (FIG.5, 52, Para 92 lines 11-15, Para 110 lines 1-9).

Regarding Claims 3 and 14, Ellis further discloses the display data is data for displaying an operation assistance screen for assisting an operation (program guide web page, menu, listing, settings screen, etc.) of the external terminal (FIG.17-20; FIG.38; Para 101 lines 15-17; Para 115; Para 117; Para 122; Para 127; Para 130; Para 134; Para 137 lines 7-14; Para 154).

Regarding Claims 4 and 15, Ellis further discloses the operation assistance screen assists at least one operation of a record operation and a record reservation operation (Ellis' accessing program record scheduling functions reads on both; FIG.19, Para 163) and a viewing reservation (program reminder or PPV reservation) operation of video and audio data (television programming includes audio) of a program received by the broadcast receiver (FIG.16, Para 155; FIG.20; Para 165), an operation of obtaining program information data (listings information) and

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data broadcast data of the program (additional information related to the listings, e.g., text, graphics, video), (FIG.15; Para 103; Para 15 lines 1-6;Para 154; 310-FIG.7; 310-FIG.8), and a record operation of the data broadcast data of the program (Para 83 lines 1-3; Para 163; Para 219).

Regarding Claims 5 and 16, Ellis further discloses an initial screen setting unit adapted to set information for structuring an initial screen (Ellis teaches access device 24 obtains the user profile/favorites information which was previously setup at startup; 1900, 1910 -FIG. 18; Para 160- 165 line 3; Para 126; Para 191 lines-18); and a storage unit adapted to store the initial screen setting information set by the initial screen setting unit (Ellis teaches profile/favorites data is stored; Para 161 lines 3-4; Para 101 lines 26-27; Para 110 lines 3-4), wherein if the control information is initial screen transmission command information, the extraction unit extracts the initial screen setting information from the storage unit, the generating unit generates the display data in accordance with the initial screen setting information, and the control unit controls to transmit the display data to the external terminal (Ellis teaches retrieving and displaying the program information on the access device 24 at start-up and the user equipment 22 generates the program guide display data and transmits it to 24; Para 161 lines 10- 14; 1925 & 1930- FIG.18; Para 162 lines 1-7; Para 110 lines 1-16; Para 109; Para 160).

Regarding Claims 6 and 17, Ellis further discloses the broadcast signal contains program information data (program guide data) and the control information is command information for transmitting the program information data to the external terminal (Ellis discloses television distribution (broadcast) facility 16 transmits program guide data to user equipment 22 and access device 24 sends appropriate commands/request to 22 for transmitting the program guide data to 24; Para 68 line 8-Para 69; Para 72 lines 6-12; Para 80 lines 2-4; Para 88 lines 3-9; Para 98 lines 1-11 ; Para 99; Para 103; Para 107; Para 108 lines 1-3; Para 109; Para 110 lines 1-16; Para 111 lines 6-9).

Regarding Claims 7 and 18, Ellis further discloses the program information data is data regarding an electronic program guide EPG and contains information such as a channel name, a program name, a broadcast day and time, and information regarding program contents (categories or additional information regarding information contained in the program) (FIG.7, Para 111 line 6-Para 113).

Regarding Claims 8 and 19, Ellis further discloses the broadcast signal contains data broadcast data (additional information related to the listings, e.g., text, graphics, video), and the control information is command information for transmitting the data broadcast data to the external terminal (Para 115 lines 1-6; Para 103; Para 154; 310-FIG.7; 310-FIG.8).

Regarding Claims 9 and 20, Ellis further discloses the control unit controls to make said communication unit transmit the information data regarding the information data to the external terminal at a predetermined time (Para 72, Para 110 lines 1-16; Para 108 lines 1-6; Para 111 lines 6-11).

Regarding Claims 10 and 21, Ellis further discloses the external terminal is a portable terminal capable of mobile communications (Para 92 lines 3-10).

Regarding Claims 11 and 22, Ellis further discloses the control unit further controls an operation of the broadcast receiver in accordance with the control information (Para 107), and controls at least one operation of a record operation and a record reservation operation (Ellis' accessing program record scheduling functions reads on both; FIG.19, Para 163) and a viewing reservation (program reminder or PPV reservation) operation of video and audio data (television programming includes audio) of a program received by the broadcast receiver (FIG.16, Para 155; FIG.20; Para 165), an operation of obtaining program information data (listings information) and data broadcast data of the program (additional information related to the listings, e.g., text,

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graphics, video), (FIG.15; Para 103; Para 15 lines 1-6; Para 154; 310-FIG.7; 310-FIG.8), and a record operation of the data broadcast data of the program (Para 83 lines 1-3; Para 163; Para 219).

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Peng whose telephone number is (571) 270-1147. The examiner can normally be reached on Monday-Friday 09:00-18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fred Peng  
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